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Attorneys for Tulare Local Healthcare District,
dba Tulare Regional Medical Center

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE
DISTRICT, dba TULARE
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897
Address: 869 N. Cherry St.
Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC No.: WW-31

Date: April 12, 2018
Time: 9:30 a.m.
Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13
Judge: Honorable René Lastreto II

ORDER APPROVING AGREEMENT RELATING TO RELIEF FROM THE
AUTOMATIC STAY

At Fresno, in the Eastern District of California.

The Court having received and reviewed the Motion for Approval of Agreement
Relating to Relief From the Automatic Stay, the Motion having been duly and properly
served and noticed, and there being no objection to the relief sought, and good cause
appearing,

RECEIVED

April 13, 2018

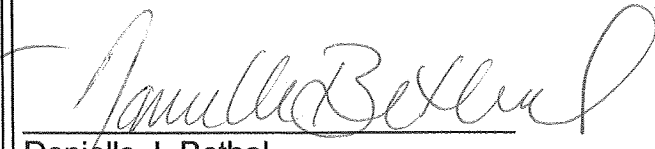
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0006259821

AGREEMENT RELATING TO RELIEF -1-
AUTOMATIC STAY

M:\S-U\TRMC\PLEADINGS\WW-31 Motion to Approve
Stipulation for Relief from Stay
(Dominguez)\Order.032618.djb.docx


1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion be
 2 approved and said Stipulation attached to this Order as Exhibit "A" shall be, and hereby
 3 is, approved.
 4

5
 6 Presented by:
 7 WALTER WILHELM LAW GROUP
 8 a Professional Corporation

9 
 10 Danielle J. Bethel,
 11 Attorneys for Debtor, Tulare Local
 12 Healthcare District, dba Tulare Regional
 13 Medical Center
 14
 15
 16
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 18
 19

20 Dated: Apr 13, 2018

By the Court

21 
 22 René Lastreto II, Judge
 23 United States Bankruptcy Court
 24
 25
 26
 27
 28

1 4

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11 Attorneys for Tulare Local Healthcare District,
 12 dba Tulare Regional Medical Center

13 IN THE UNITED STATES BANKRUPTCY COURT

14 EASTERN DISTRICT OF CALIFORNIA

15 FRESNO DIVISION

16 In re

17 TULARE LOCAL HEALTHCARE
 18 DISTRICT, dba TULARE
 19 REGIONAL MEDICAL CENTER,

20 Debtor.

21 Tax ID #: 94-6002897
 22 Address: 869 N. Cherry Street
 23 Tulare, CA 93274

24 CASE NO. 17-13797

25 DC No.: WW-31

26 Chapter 9

27 Date: N/A
 28 Time: N/A
 Place: 2500 Tulare Street
 Fresno, CA 93721
 Courtroom 13
 Dept. B, Fifth Floor
 Judge: Honorable René Lastreto II

29 **STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY**
 30 **PURSUANT TO 11 U.S.C. § 362**

31 TULARE LOCAL HEALTHCARE DISTRICT, dba Tulare Regional Medical Center
 32 ("TRMC") and JOE O. DOMINGUEZ, MARY ROSE DOMINGUEZ, CERENE R.
 33 OLIVERA, STEVEN J. ZUIDERWEG, a minor, by and through his Guardian ad Litem,
 34 AMANDA ZUIDERWEG (Collectively "Plaintiffs"), by and through their respective
 35 counsel, hereby enter into the within Stipulation for Relief from the Automatic Stay

36 EXHIBIT A

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37 STIPULATION FOR RELIEF FROM AUTOMATIC
 38 STAY (DOMINGUEZ)

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 Approve Stipulation for Relief from Stay
 (Dominguez)\Stipulation.ROS.Dominguez.030118.djb
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pursuant to 11 U.S.C. § 362 (the "Stipulation"). The Stipulation is made with reference to the following:

RECITALS

1. On September 30, 2017, TRMC commenced a voluntary case under chapter 9 of title 11 of the United States Bankruptcy Code in the United States Bankruptcy Court, Eastern District of California ("Petition Date").

2. Plaintiffs wish to commence an action in the Tulare County Superior Court against TRMC ("Lawsuit"), seeking damages for the tort of negligence resulting in wrongful death allegedly caused by TRMC prior to the filing of the bankruptcy case ("Malpractice Claim").

3. TRMC denies the allegations made by Plaintiffs in the Lawsuit.

4. TRMC and Plaintiffs (collectively "the Parties") have agreed to allow the Automatic Stay to be modified pursuant to the terms and conditions stated herein.

STIPULATION AND AGREEMENT

NOW, THEREFORE, subject to Court approval, the parties hereby stipulate and agree as follows:

5. The Automatic Stay shall be modified such that Plaintiffs shall be permitted to commence and prosecute the Lawsuit to settlement or judgment against TRMC and/or the other defendants in the Lawsuit for the purposes of determining the liability and damages, if any, of TRMC and/or the other defendants with respect to the Malpractice Claim;

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EXHIBIT

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1 6. Plaintiffs' recovery against TRMC in the Lawsuit, if any, shall be limited to any
2 proceeds available under any insurance policy, policies, or any liability coverage
3 contracts¹, as the case may be, if any, applicable to Plaintiffs' Malpractice Claim, and
4 not from TRMC's assets.
5

6 7. Further, Plaintiffs waive their right to collect the first \$100,000 of any settlement
7 or judgment resulting from the Lawsuit against TRMC (representing TRMC's deductible
8 under the Policy).

9 8. Accordingly, should Plaintiffs prevail in the Lawsuit as against TRMC any
10 recovery by Plaintiffs against TRMC shall be limited to applicable insurance, or the
11 Policy, if any, and shall further be limited by Plaintiffs' waiver of rights to collect the first
12 \$100,000 of any settlement or judgment against TRMC as set forth above. The Lawsuit
13 will not be prosecuted for the purpose of reaching the assets of TRMC other than
14 applicable insurance and/or the Policy.
15

16 9. Therefore, it is agreed that the Automatic Stay pursuant to 11 U.S.C. § 362 be
17 vacated as to allow commencement and prosecution of the Lawsuit on the terms and
18 conditions provided above.
19

20 10. Any amendment to this Stipulation shall be made in writing, signed by the
21 Parties, and approved by the Court.

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27 ¹ TRMC is a member of a risk-sharing pool (the "Policy"). Pursuant to California Government Code sections 6500 et
28 et seq., TRMC is a member of a risk-sharing pool (the "Policy"). Pursuant to California Government Code sections 6500
et seq., and sections 990 et seq., BETA Healthcare Group Risk Management Authority ("BETA") administers the pool
under a joint powers agreement. BETA and TRMC have entered into a Stipulation for Assumption of the BETA Policy.
Assumption of the BETA Policy pursuant to the Stipulation was authorized by the Court by Order dated January 26,
2018.

11. The Parties stipulate to entry of an order approving this Stipulation subject to compliance with FRBP 4001, if required.

IT IS HEREBY STIPULATED AND AGREED.

March 16, 2018

BARADAT & PABOOJIAN, INC.

Kevin Kalajian for
Daniel R. Baradat, Attorneys for
Plaintiffs, Joe O. Dominguez, Mary
Rose Dominguez, Cerene R. Olivera,
Steven J. Juiderweg, a minor, by and
through his Guardian Ad Litem, Amanda
Zuiderweg

March 26, 2018

WALTER WILHELM LAW GROUP,
a Professional Corporation

Danielle J. Bethel
Danielle J. Bethel, Attorneys for Debtor,
Tulare Local Healthcare District, dba
Tulare Regional Medical Center

EXHIBIT

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